

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH J. PINER,	:
Petitioner,	:
v.	: Civil Action No. 05-467J
COMMONWEALTH OF PENNSYLVANIA,	:
BOARD OF PROBATION AND PAROLE,	:
Respondent	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on April 21, 2006, docket no. 2, recommending that the petition for a writ of habeas corpus be denied, and a certificate of appealability denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Petitioner sought and was granted an extension of time to file objections, docket no. 4, docket no. 5, and filed objections, docket no. 6, which I find to be meritless.

After de novo review of the record of this matter, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 22nd day of May, 2006, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied. A certificate of appealability is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

Kenneth J. Piner DX-9405
S.C.I. Somerset
1600 Walters Mill Road
Somerset, PA 15510